

REMARKS**I. General**

Claims 1-25 were pending in the present application, and all of such pending claims were rejected in the present Office Action (mailed April 6, 2005). The outstanding issues in the current Office Action are:

- This Office Action is incomplete because it fails to address all of the pending claims;
- Claim 10 is rejected under 35 U.S.C. § 101 as being non-statutory;
- Claims 10-18 and 20-24 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite;
- Claims 1, 3, and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,850,511 issued to Stoecker et al. (hereinafter "*Stoecker*");
- Claims 2 and 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of U.S. Patent No. 6,449,643 issued to Hyndman et al. (hereinafter "*Hyndman*");
- Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of U.S. Patent No. 5,930,154 issued to Thalhammer-Reyero (hereinafter "*Thalhammer-Reyero*");
- Claims 6, 10, 12, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of U.S. Patent No. 6,493,751 issued to Tate et al. (hereinafter "*Tate*");
- Claims 11 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate* and further in view of U.S. Patent No. 6,009,274 issued to Fletcher et al. (hereinafter "*Fletcher*");

- Claims 13 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate* and further in view of *Thalhammer-Reyero*;
- Claims 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate* and further in view of *Hyndman*;
- Claims 20, 22, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hyndman* in view of *Stoecker*;
- Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hyndman* in view of *Stoecker* and further in view of *Thalhammer-Reyero*; and
- Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hyndman* in view of *Stoecker* and further in view of *Tate*.

In response, Applicant respectfully traverses the outstanding claim rejections, and requests reconsideration and withdrawal thereof in light of the amendments and remarks presented herein.

II. Amendments

Claim 1 is amended to include the element of dependent claim 2. Therefore, claim 2 is canceled without prejudice. Claim 1 is also amended to recite that the “implementing” is “by an operating system”. No new matter is added by this amendment.

Claim 20 is amended to clarify that at least one process is associated with the at least one compartment. This is intended to resolve any ambiguity that may have been present in the original claim language, which recited that the at least one process “can be” associated with the at least one compartment.

New claims 26-29 are added herein. No new matter is added by these newly added claims, *see e.g.* claims 10-13, page 8, and page 31, line 16 – page 32, line 20 of the present application.

III. The Office Action is Incomplete

Applicant's previous amendment, submitted January 10, 2005, added a new claim 25, which is not addressed in the current Office Action, *see* pages 9 and 20 of the January 10, 2005 amendment. For a complete Office Action, every claim is to be addressed, *see* M.P.E.P. § 707.07(i); *see also* 37 C.F.R. § 1.104(b). In view of the amendment and remarks made herein, Applicant believes the pending application is in condition for allowance. If, however, a further action is issued, it should be a **non-final** action which addresses claim 25 to enable Applicant a full and fair opportunity to prosecute this claim. Applicant also notes that new claims 26-29 are presented herein, and thus should also be addressed in any future actions.

IV. Rejection under 35 U.S.C. § 101

Claim 10 is rejected under 35 U.S.C. § 101 as being non-statutory "because the system is intangible." Page 2 of Office Action. Applicant disagrees. The system recited by claim 10 is tangible. Claim 10 recites a system that comprises an "an operating system implementing at least one compartment", "at least one configuration file", and "means for performing management of said at least one compartment".

35 U.S.C. § 101 provides: "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title" (emphasis added). As the Supreme Court has held, Congress chose the expansive language of 35 U.S.C. 101 so as to include "anything under the sun that is made by man." *Diamond v. Chakrabarty*, 447 U.S. 303, 308-09, 206 U.S.P.Q. 193, 197 (1980). M.P.E.P. § 2106.IV.A. further explains that the "subject matter courts have found to be outside the four statutory categories of invention is limited to abstract ideas, laws of nature and natural phenomena" (emphasis added). "These three exclusions recognize that subject matter that is not a practical application or use of an idea, a law of nature or a natural phenomena is not patentable." M.P.E.P. § 2106.IV.A. (emphasis in original).

Claim 10 recites elements that are not abstract ideas, laws of nature, or natural phenomena. A system that comprises an "an operating system implementing at least one compartment", "at least one configuration file", and "means for performing management of said at least one compartment" cannot be fairly characterized as directed to any of these

excluded areas of subject matter. Thus, the system recited in claim 10 is tangible, rather than being an abstract idea, law of nature, or natural phenomena, and is therefore patentable subject matter.

In view of the above, the rejection of claim 10 under 35 U.S.C. § 101 should be withdrawn.

V. Rejections under 35 U.S.C. § 112, second paragraph

Claims 10-18 and 20-24 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10

Claim 10 is rejected as being indefinite “because it is not made explicitly clear in the claim language whether this is a system claim or a means plus function claim.” Page 2 of Office Action. Claim 10 is clearly directed to a “system,” *see* the preamble of claim 10. Claim 10 also clearly recites that the system comprises “means for performing management.” This language is recited in means-plus-function format, which is permitted under 35 U.S.C. § 112. Applicant fails to understand what the Examiner believes to be insufficiently clear under 35 U.S.C. § 112, second paragraph in claim 10. The Office Action merely asserts that this claim is indefinite “because it is not made explicitly clear in the claim language whether this is a system claim or a means plus function claim.” Page 2 of Office Action. However, these are not mutually exclusive characteristics of a claim. That is, claim 10 is both a system claim (*see* its preamble) and it recites that the system comprises, among other limitations, a means-plus-function element (“means for performing management”). There is nothing impermissible or unclear under 35 U.S.C. § 112, second paragraph in the way that claim 10 is structured. Therefore, this rejection of claim 10 should be withdrawn.

Claim 20

The Office Action further asserts that the terms “at least one process can be associated with said at least one compartment and said at least one compartment defines accessibility of resources for said at least one process” and “at least one command-line utility executable to manipulate said at least one compartment” are indefinite. As discussed above, claim 20 is

amended herein to clarify that the “at least one process is associated with said at least one compartment” (emphasis added).

First, the Office Action asserts that these terms are indefinite “because it is not made explicitly clear in the claim language whether there is one process associated with one compartment (or more)”. Page 3 of the Office Action. Applicant respectfully submits that the language clearly recites “at least one process is associated with said at least one compartment” (emphasis added). Thus, this language encompasses any situation in which at least one process is associated with at least one compartment. While this language encompasses many different situations (e.g., multiple processes associated with one compartment, a process associated with multiple compartments, etc.), the breadth of this language does not render it indefinite, *see* M.P.E.P. § 2173.04.

The Office Action further asserts, on page 14 thereof, that it is not made clear in claim 20 which process is associated with which compartment. While a specific process is not recited as being associated with a particular compartment in claim 20, Applicant maintains that claim 20 is sufficiently clear under 35 U.S.C. § 112, second paragraph. Claim 20 clearly recites that “at least one process is associated with said at least one compartment”. Again, the breadth of this language does not render it indefinite, *see* M.P.E.P. § 2173.04.

In view of the above, Applicant respectfully requests withdrawal of the outstanding rejection of claim 20 under 35 U.S.C. § 112, second paragraph.

VI. Rejections under 35 U.S.C. § 102(b)

Claims 1, 3, and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Stoecker*. To anticipate a claim under 35 U.S.C. § 102, a single reference must teach every element of the claim, *see* M.P.E.P. § 2131. As discussed further below, Applicant respectfully submits that *Stoecker* fails to teach each and every element of independent claim 1.

Claim 1 is amended herein to include the element originally recited in claim 2, which depended from claim 1. The Office Action concedes that *Stoecker* fails to teach the element originally recited in claim 2 (*see* Page 4 of Office Action), and thus rejected claim 2 under 35

U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Hyndman*. Therefore, claim 1 is addressed further below regarding this § 103(a) rejection.

In view of the above, the rejection of claim 1 under 35 U.S.C. § 102(b), as well as the rejection of dependent claims 3 and 5, should be withdrawn.

VII. Rejections under 35 U.S.C. § 103(a)

To establish a prima facie case of obviousness, three basic criteria must be met. *See* M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the applied references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied references must teach or suggest all the claim limitations. Without conceding the first or second criteria, Applicant respectfully asserts that the 35 U.S.C. § 103(a) each of the rejections of the present Office Action fails to satisfy at least the third criteria, as discussed further below.

Independent Claim 1

Independent claim 1 is amended herein to include the element originally recited in dependent claim 2. Dependent claim 2 was rejected in the present Office Action under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Hyndman*. Thus, Applicant addresses this rejection below with respect to claim 1.

Independent claim 1 recites:

A method of administering a processor-based system, said method comprising:
 implementing, by an operating system, at least one compartment for containment of at least one process executable on said processor-based system, wherein said at least one compartment defines whether said at least one process contained therein is allowed access to particular system resources;
 and
 providing, by said processor-based system, at least one operating system command-line utility executable to manipulate said at least one compartment.

The Office Action concedes that *Stoecker* fails to teach that the “at least one compartment defines whether said at least one process contained therein is allowed access to particular system resources”. However, the Office Action asserts that *Hyndman* teaches this

element of claim 1, citing to the abstract of *Hyndman*, see page 4 of the Office Action. Applicant disagrees, as discussed below.

Hyndman does not teach or suggest at least one compartment that is implemented by an operating system, as recited by claim 1. *Hyndman* appears to teach a “building block” that “comprises a database for storing access control data pertinent to said component including all resources accessible to the BB and all users that have the right to use the BB, according to privileges allocated to each user.” Abstract of *Hyndman*. This fails to teach or suggest a compartment implemented by an operating system that defines whether at least one process contained therein is allowed access to particular system resources. Rather, this merely teaches that access rights for a component are stored to a database.

Further, *Hyndman* does not teach or suggest providing at least one operating system command-line utility executable to manipulate the at least one compartment. *Hyndman* teaches “an access control user interface connected to the access control library for viewing and editing the access control data on the GUI” (col. 3, lines 13-15). While *Hyndman* appears to teach such a user interface to a database, it fails to teach an operating system command-line utility executable to manipulate the at least one compartment, as recited by claim 1. Again, *Hyndman* does not teach or suggest a compartment implemented by an operating system, much less one which is manipulatable by a command-line utility. Thus, *Hyndman* does not provide an operating system command-line utility executable to manipulate the at least one compartment.

Similarly, *Stoecker* does not teach or suggest a compartment implemented by an operating system. *Stoecker* also does not provide an operating system command-line utility executable to manipulate the at least one compartment.

Accordingly, the applied combination of *Stoecker* and *Hyndman* fails to teach or suggest all elements of independent claim 1, and thus claim 1 is not obvious under 35 U.S.C. § 103(a) over these references.

Independent Claim 10

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stoecker* in view of *Tate*. The combination of *Stoecker* and *Tate* fails to teach or suggest all elements of

claim 10. Independent claim 10 recites

A system comprising:

an operating system stored to a computer-readable media, said operating system implementing at least one compartment to which at least one process executable on said system can be associated;

at least one configuration file stored to a computer-readable media, said at least one configuration file defining said at least one compartment; and means for performing management of said at least one compartment without requiring that a user edit said at least one configuration file in which said at least one compartment is defined. (Emphasis added).

Neither *Stoecker* nor *Tate* teach or suggest an operating system implementing a compartment, as recited by claim 10. *Stoecker* mentions that TMN standards refer to a containment tree that specifies a relationship between managed objects. However, the containment tree is not taught as being a compartment implemented by an operating system. *Stoecker* addresses systems and methods for testing of a telecommunications management network (TMN) agent prior to the development, installation and configuration of a TMN manager, see col. 1, lines 7-11 of *Stoecker*. While a containment tree may be used in accordance with TMN standards for specifying a relationship between managed objects, *Stoecker* provides no teaching or suggestion of an operating system implementing a compartment, as recited by claim 10. Similarly, *Tate* does not teach or suggest a compartment that is implemented by an operating system. Thus, the combination of *Stoecker* and *Tate* fails to teach or suggest at least this element of claim 10. Accordingly, claim 10 is not obvious under 35 U.S.C. § 103(a) over *Stoecker* in view of *Tate*.

Independent Claim 20

Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hyndman* in view of *Stoecker*. The combination of *Hyndman* and *Stoecker* fails to teach or suggest all elements of claim 20. Independent claim 20 recites

A computer-readable medium including instructions executable by a processor, said computer-readable medium comprising:

library of software functions for managing at least one compartment implemented by an operating system, wherein at least one process ~~can be~~ is associated with said at least one compartment and said at least one compartment defines accessibility of resources for said at least one process associated therewith; and

said library of software functions includes at least one command-line utility executable to manipulate said at least one compartment.

Neither *Hyndman* nor *Stoecker* teach or suggest managing at least one compartment implemented by an operating system, as recited by claim 20. As discussed above with claim 10, *Stoecker* mentions that TMN standards refer to a containment tree that specifies a relationship between managed objects. However, the containment tree is not taught as being a compartment implemented by an operating system. *Stoecker* provides no teaching or suggestion of an operating system implementing a compartment, as recited by claim 20.

Similarly, *Hyndman* does not teach or suggest a compartment that is implemented by an operating system. *Hyndman* appears to teach a “building block” that “comprises a database for storing access control data pertinent to said component including all resources accessible to the BB and all users that have the right to use the BB, according to privileges allocated to each user.” Abstract of *Hyndman*. This fails to teach or suggest a compartment implemented by an operating system. Rather, this merely teaches that access rights for a component are stored to a database.

Thus, the combination of *Hyndman* and *Stoecker* fails to teach or suggest at least this element of claim 20. Accordingly, claim 20 is not obvious under 35 U.S.C. § 103(a) over *Hyndman* in view of *Stoecker*.

Dependent Claims

Claims 3-9, 11-19, and 21-25 each depend either directly or indirectly from one of independent claims 1, 10, and 20, and thus inherit all limitations of the respective independent claim from which they depend. It is respectfully submitted that dependent claims 3-9, 11-19, and 21-25 are allowable not only because of their dependency from their respective independent claims for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compel a broader interpretation of the respective base claim from which they depend).

VIII. New Claims 26-29

New claims 26-29 are added herein, wherein claim 26 is an independent claim and claims 27-29 depend from claim 26. Claim 26 recites:

A system comprising:
an operating system implementing at least one compartment to which
at least one process executable on said system can be associated;
at least one configuration file defining said at least one compartment;
and
command-line utility executable for performing management of said at
least one compartment without requiring that a user edit said at least one
configuration file in which said at least one compartment is defined.

As discussed above, the applied references fail to teach or suggest “an operating system implementing at least one compartment to which at least one process executable on said system can be associated”. Further, the applied references fail to teach or suggest “a command-line utility executable for performing management of said at least one compartment without requiring that a user edit said at least one configuration file in which said at least one compartment is defined”. As such, claim 26 is believed to be allowable over the applied art of record.

Claims 27-29 each depend either directly or indirectly from independent claim 26, and thus inherit all limitations of claim 26. It is respectfully submitted that dependent claims 27-29 are allowable not only because of their dependency from independent claim 26 for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compel a broader interpretation of independent claim 26).

IX. Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

The required fee for this response is enclosed. If any additional fee is due, please charge Deposit Account No. 08-2025, under Order No. 10013499-1 from which the undersigned is authorized to draw.

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Date: July 19, 2005

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